

COMMITTEE ON FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Jack H. Schurlknight, Council Member District No. 6

A **meeting** of the **Committee on Finance**, Standing Committee of Berkeley County Council, was held on Monday, **January 23, 2012**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:06 p.m.

PRESENT: Chairman Jack H. Schurlknight, Council District No. 6; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; ex-officios Mr. Daniel W. Davis, County Supervisor, Mr. Phillip Farley, Council District No. 1; Mr. Timothy J. Callanan, Council District No. 2, and Mr. Dennis Fish, Council District No. 5, Ms. Nicole Ewing, County Attorney; and Ms. Catherine Windham, Interim Clerk to County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Schurlknight called the meeting to order. Committee Member Pinckney gave the Invocation, and Committee Member Steve Davis led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Schurlknight: "First thing I'd like to do is I'd like to welcome everybody out here tonight. It's always good to see a good crowd at our Council Meetings."

APPROVAL OF MINUTES

Chairman Schurlknight: "First on the agenda is the approval of minutes from December 12, 2011."

Committee Member Pinckney: "So move."

Committee Member S. Davis: "Second."

Chairman Schurlknight: "I have a motion and a second. Are there any corrections or deletions to these minutes? Hearing none, all in favor? (Ayes). Opposed? (No Response). The Ayes have it."

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** the minutes, as presented. The motion passed by unanimous voice vote of the Committee.

EXECUTIVE SESSION- None

Chairman Schurlknight: "Next is..."

- A. Kace Smith, Deputy Supervisor, Re:** General Obligation Bonds, Series 2009A for the St. Stephens Library and Magistrate Office.

Ms. Kace Smith: "Thank you, good evening County Council."

Committee Member Pinckney: "Good evening."

Ms. Kace Smith: "I'm here tonight to talk about the 2009 Bond Project Funds. I have included in the information that was sent to you the original list of the bond projects that were approved. Since that time period we have learned more information about some of those projects and in addition to that, you may remember, the County applied for a grant for the St. Stephens Library. What I'm here tonight is that we re-budget these funds to provide approximately \$770,000 towards the St. Stephens Library and Magistrate. There will be some additional funds that will be needed for this project. The \$770,000 and the \$500,000 grant will not be sufficient to pay for the entire budget but, at this time we're asking for the re-budget of the 2009 Bond Funds."

Committee Member S. Davis: "I move for approval."

Committee Member Pinckney: "Second."

Chairman Schurlknight: "We have a motion and a second. Is there any other discussion?"

Council Member Callanan: "Yes, Mr. Chairman?"

Chairman Schurlknight: "Councilman Callanan?"

Council Member Callanan: "It seems like that's not all we're doing. Am I correct? We're also; we were 40% over budget on a purchase of a piece of land for the Head Start facility."

Ms. Kace Smith: "Well, it was designated; all those funds were designated for the Health and Human Services Campus."

Council Member Callanan: "Which the Head Start was going to be a tenant or located on, right?"

Ms. Kace Smith: "Certainly, at the time we had done this back in 2010 it was, yeah."

Council Member Callanan: "Ok, so what and I may be wrong. But, this is just how I'm reading it. My understanding is that what we're also doing is that since we only budgeted \$1.2 million dollars for that and we ended up spending \$1.6 million. We're also shifting funds to cover that excess that we spent?"

Ms. Kace Smith: "That's correct."

Council Member Callanan: "And then so, since we spent \$1.6 million dollars on a piece of land who's one of its purposes was to house the Head Start facility and now we're not going to build the Head Start facility, then we have \$855,000 left over that we're going to shift. Is that right?"

Ms. Kace Smith: "A portion of that is going to be going towards, yes, the St Stephens Library; the Magistrate's Office."

Council Member Callanan: "But, the Head Start facility the \$855,000 that we put on there to build on that piece of land that we bought, that is not going to be built so that land is going to, that money is going to be freed for other uses."

Ms. Kace Smith: "Yes. It's my understanding that we no longer will be building a Head Start facility. There's no longer a need for the County to build that."

Council Member Callanan: "Is there any possibility since we bought land to build it, that we sell the land, now that we're not going to build it and then that would actually free up some extra money?"

Supervisor Daniel Davis: "Mr. Chairman, if I may. Remember, there are other things that go on that site. The Health Department will be there. Other social service, all of our social service functions will eventually be located there. It'd probably mean that we won't need as much of that facility of that land so we can sell, we can sell more of it. Remember, that was part of plan, was to sell off the frontage. The most expensive, or the most valuable part and use the property towards the rear for these facilities but, we will still need a substantial portion of that land."

Council Member Callanan: "I mean, is there anything holding us up from selling it; from putting it on the market now?"

Supervisor Daniel Davis: "Well, actually I think we're, our Engineer, our Architect is doing some site planning so that we know what we will need there and yes. As soon as we know that, I think we can put it up for sale."

Council Member Callanan: "Did you want to add something else?"

Mr. Frank Carson: "Basically just to reiterate what Mr. Davis said, that we are in the early stages of doing a master plan for the site, and that would identify what surplus property would be, and then the intent would be to go ahead and marketing that."

Council Member Callanan: "Right, and then but even if we're, but we don't have any funds to build any of the other buildings on there, correct? We just put funds aside on the land, am I right on that?"

Mr. Frank Carson: "Well, part of this request shifts some of those fundings because of the timing, the original timing of the St. Stephen Library because of the obligation under the grant to build that, we having to shift a little bit between projects."

Council Member Callanan: "Right, but there's no funding for any of the other buildings on the Health and Human Services campus."

Mr. Frank Carson: "Not in this year, no."

Council Member Callanan: "Not in this bond, right?"

Mr. Frank Carson: "Right."

Council Member Callanan: "Ok. So, the goal is that we do the master site, figure out what land we don't need, dump it, that fund I assume would probably go back into the capital budget, and then just leave that land vacant until we need to build it, right?"

Mr. Frank Carson: "Yes."

Council Member Callanan: "Ok. Thank you."

Supervisor Daniel Davis: "And if I can also add, remember, there are some agencies that have access to their own funds and so having the site plan done would allow them to apply for grants to build facilities for themselves, so it would kinda be shovel-ready which is an overused term but basically, shovel-ready."

Council Member Fish: "Mr. Chairman?"

Council Member Farley: "Mr. Chairman?"

Chairman Schurlknight: "Mr. Farley, Councilman?"

Council Member Farley: "The land in St. Stephen was donated?"

Supervisor Daniel Davis: "That's correct."

Council Member Farley: "We already got the title and everything?"

Supervisor Daniel Davis: "We don't have title yet, we will have like a 99-year lease on it I think, is the way we're gonna do it."

Council Member Farley: "Thank you."

Supervisor Daniel Davis: "Councilman Fish?"

Council Member Fish: "Mr. Chairman, I guess the question I need to ask was they tie into this somewhere. With the notification, we got the notification that the Food Lion is moving out of our building here. Two questions, Number 1, what are they paying to get out of the lease, and Number 2, where's the funds coming to move everybody; to remodel that and how soon are we expecting that to happen?"

County Attorney N. Ewing: "As Council knows, we don't actually own the Food Lion building. The people that own the Food Lion building lease the ground from us. What they decide to do with that building will determine the future of that building. As of right now, Food Lion, from what I understand, is going to continue to pay the rent through the end of their current lease obligation, which is 2013. We have been, I have been contacted by the property owner to gauge the County's interest in actually purchasing the building, but I have not been instructed to enter into any negotiations on that. But, we do not own that building at this time."

Council Member Fish: "Ok."

Chairman Schurlknight: "Thank you."

Supervisor Daniel Davis: "Mr. Chairman, if I can say. Obviously, you know, we did a long-range plan, remember, we had the Community Facilities Study done, and I think we have a good long-range plan, but just as with everything, things change. We did not anticipate the Food Lion building being available. I would expect that it will be, once the lease, once Food Lion opts out of their lease, their lease renewal and the company's not making any money off the building. I expect that they will make an offer to us maybe to buy that lease out for the remaining term, and so we would be in a position then to look at remodeling the building and getting some of these other folks that are in rented buildings into this building. So, but, that's just going to take a modification and a good bit of planning but we just don't know the details yet."

Council Member Fish: "Ok. Thank you."

Committee Member S. Davis: "Mr. Chairman?"

Chairman Schurlknight: "Mr. Davis?"

Committee Member S. Davis: "Getting back to what's paramount to me is, I'm very much in favor of the St. Stephen Library having the opportunity to move forward. You know, originally this \$9.9 million dollar bond, we didn't make the grade, so it's just a wonderful opportunity has presented itself for St. Stephen and the Magistrate's Office to move forward, and so I just commend your efforts and foresight since we have already

been awarded the \$500,000 grant, that now we can actually start some concrete movements continually, on the St. Stephen's Library and Magistrate Office."

Chairman Schurlknight: "Thank you Mr. Davis. Any other comments or discussions? (No Response) Hearing none, I have a motion and a second to approve. All in favor? (Ayes). Opposed? (No Response). Motion carries."

It was moved by Committee Member S. Davis and seconded by Committee Member Pinckney to **approve** the re-budget the General Obligation Bonds Series 2009A in the amount of \$770,000 for the St. Stephens Library and Magistrate Office. The motion passed by unanimous voice vote of the Committee.

- B. Consideration** prior to **First Reading** of an **ordinance** (1) authorizing the execution and delivery of fee in lieu of tax and incentive agreement (the "Incentive Agreement") by and between Berkeley County, South Carolina ("The County") and **MWV-Omni, LLC**, acting for itself, or one or more affiliates or other project sponsors, (The "Company"), in connection with the establishment of certain facilities and/or the making of certain investments in the County (The "Project"); (2) authorizing the benefits of a multi-county industrial or business park to be made available to the Company and the Project; (3) approving and ratifying the assignment and transfer to the Company of the rights, interests, and obligations of Eastway Properties, LLC ("Eastway") and TC-MET OMNI PHASE I, LLC ("TC-MET") under (i) the fee in lieu of tax agreement by and between the County and Eastway dated as of June 9, 2008 and (ii) the partial assignment and assumption of fee in lieu of tax agreement by and between Eastway and TC-MET (Collectively, the existing FILOT Agreement); (3) authorizing termination of the existing FILOT Agreement upon execution and delivery of the incentive agreement; and (4) authorizing other matters relating thereto.

Chairman Schurlknight: "Can I get a motion and a second and we'll open up for discussion?"

Committee Member Pinckney: "So Move."

Committee Member S. Davis: "Second."

Chairman Schurlknight: "We have a motion and a second. Nicole?"

County Attorney N. Ewing: "Mr. Schurlknight, the title said it all. I don't know what more I could offer."

Chairman Schurlknight: "You know, I was waiting for somebody to go ahead and give me that motion to second, that's all. I was pausing. I don't know if my colleagues were asleep or what."

Committee Member Pinckney: "I'm not. You had a flow going."

County Attorney N. Ewing: "This is for consideration prior to First Reading and just to give you a little bit of background information, MWV-Omni has purchased the property that we formerly identified as the Trammel Crow, Eastway Property, that's out in the Jedburg Development District, and, for various reasons, business reasons, they would want to terminate the current Fee In Lieu agreement that would be assigned to them as a result of this sale and enter into a new Fee In Lieu agreement and we've been discussing different options regarding any incentives that we may be willing to offer them and we hope to have more information by Second Reading on that so, we wanted to go ahead and get it started for First Reading, if that met with Council's approval."

Chairman Schurlknight: "Great, any questions or comments? (No Response) Hearing none, all in favor? (Ayes). Opposed? (No Response). Motion carries."

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to First Reading, consideration of an ordinance authorizing the execution and delivery of **fee in lieu** of tax and incentive agreement between **Berkeley County**, South Carolina and **MWV-Omni, LLC**. The motion passed by unanimous voice vote of the Committee.

C. Consideration prior to Third Reading:

- 1. Bill No. 11-19**, an **ordinance** authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P.** and **HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC**, **HW BERKELEY PHASE II-B, LLC** and **HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.

Committee Member S. Davis: "Move for approval..."

Chairman Schurlknight: "It's being held by the attorneys at this time so we'll hopefully get it back in our next Committee Meeting."

Consideration prior to Third Reading of Bill No. 11-19, has been held.

Chairman Schurlknight: "We have an addendum to the agenda and I think everybody probably got that addendum."

D. Mrs. Cathy S. Davis, Council District No. 4, Re: Transparency Committee Report.

Committee Member C. Davis: "Yes, Mr. Chairman, the Committee on Transparency met on January 18, and some of the discussion was the, how to post the videos as far as, would it be on the County's website or would it be on YouTube and Chip Boling and IT have been very busy putting together a presentation tonight to show us what it would look like if we posted in both places."

Chairman Schurlknight: "Great, good."

Committee Member C. Davis: "So, Chip?"

Chairman Schurlknight: "Chip, you gonna moderate for us?"

Mr. Chip Boling: "Yes sir, thank you. As Ms. Davis said, the Transparency Committee met last week and tasked IT with a few opportunities and we have a terrific staff and they rose to the opportunity. As a result tonight, if you'll look on your screen, this is our County Website. We have a County Facebook page. We have a County Google+ page, and we have posted the videos, where we're videoing County Council on YouTube. So, the County has a YouTube page and this again is a mock up if Council approves and we'll go forward with this. Michael, would you click on the YouTube, I think you're already there. Ok and this is what the page looks like at this point and time when you go to the County's YouTube page, it'll have the County Council Meeting basically, the description of what was taken place. And, you click on that. Just click on the December Meeting, that's probably fine. And, I know all of you've already had a chance....(Video Playing) That in essence, that particular meeting will go for an hour and 21 minutes and 15 seconds and so we're not subjected to the 15 minute rule which is where YouTube use to be. We've now overcome those obstacles and these are available now for anybody in the public to be able to put up and we feel comfortable that IT can get these posted within three days of recording. So, if we have a Council Meeting on a Monday night then in essence, we feel comfortable that by Thursday night certainly, we'll have everything up and running for folks to take a look at. They will be able to access them. You want to ease back and let's take a look at the....go to Facebook. If folks have Facebook they'll actually be able to go right in. They'll actually be up on Facebook as well. So, we'll be posting them in both places. Google+ we haven't actually stuck it up there yet. We just managed to get that arranged for this afternoon late. But, this is what that page would look like. It doesn't have anything posted to it yet. I think those were the specific items that the Transparency Committee asked us to do. Now, Home Telephone will still be broadcasting, assuming that Council would like for them too. They're happy to do so on the Monday following any given Council Meeting at 8:00 on their channel 6 cable channel and we'll also make available to any of the other networks who would like to broadcast it the same way. We'd be happy to make a copy available to them as well. Questions?"

Committee Member Call: "Mr. Chairman?"

Chairman Schurlknight: "Mr. Call?"

Committee Member Call: "Chip, are these broadcast on Home Telephone, are they in real time?"

Mr. Chip Boling: "No sir, that'd be the Monday following. They would be the recording. We're recording right now and so the recording tonight, we'll reformat it and we'll upload it to the YouTube and we'll provide a copy to Home Telephone. They'll put it into the format they need and then they'll rebroadcast it next Monday at 8:00."

Committee Member Call: "Is there some reason, or technical reason, or do you have plans for it to stream in real time? Can it, is it a possibility?"

Mr. Chip Boling: "We're not, at this point, we're not in a position to be able to stream. We don't have the bandwidth. We don't have the equipment to be able to do that at this point and time. If that's something that Council wanted to go to in the future. That might be something we could look at from a budgetary standpoint. But, there's some budgetary constraints with regard to those things."

Committee Member Call: "Thank you."

Chairman Schurlknight: "Any other comments?"

Committee Member C. Davis: "I've got a question, Chip?"

Mr. Chip Boling: "Yes, Mam?"

Committee Member C. Davis: "So, right now, it's on YouTube and there's a link for Facebook. Are we gonna put that, make that file available for download on the website or have we scratched that idea?"

Mr. Chip Boling: "Well, I think that it's already available and they can download it from YouTube or from Facebook right there off our website. So, I think that resolves the issue for us needing to have it loaded up on the website too."

Committee Member C. Davis: "Ok."

Council Member Callanan: "Madam Chairman?"

Chairman Schurlknight: "Mr. Callanan?"

Council Member Callanan: "You had mentioned that this was the one item that we were talking about. The webpage with the meetings, are we going to discuss that at all or is that?"

Mr. Chip Boling: "Well, actually, we can discuss that right now. That is actually the next thing on my list."

Council Member Callanan: "Oh ok, I thought you were saying that's all we had to discuss so that is the only reason I brought it up."

Mr. Chip Boling: "Video perspective...."

Council Member Callanan: "Ok perfect, thank you."

Committee Member C. Davis: "Can we, hang on..."

Mr. Chip Boling: "Now, was there anything else that Council wanted us to take a look at from a filming or videoing of Council Meetings? Did we pretty well hit what y'all were looking for?"

Chairman Schurlknight: "Let me just say this to Council. You know, we'll be wrapping up this Committee because I think they have met their objectives. But, the Transparency issue is still going to be out there at any time Council wants to bring it to the Committee. This will be an open door policy on that so, but, anytime that we see or we need to do, you know, always feel free to bring it up to the Committee."

Committee Member C. Davis: "Ok, at this time I'd like to make a motion to approve the posting of the video on Facebook, YouTube."

Chairman Schurlknight: "Ok, we've got a motion."

Committee Member C. Davis: "Do we need a motion before we actually put it out there live?"

Chairman Schurlknight: "Nicole?"

County Attorney N. Ewing: "I don't know that any official action is absolutely necessary. Certainly, Council can take an action to indicate that they're standing behind it but technically, oversight of the website is an administrative function which would come underneath the County Supervisor. So, I believe that if it meets with y'all's approval he has every intention to put it on the website. As far as, YouTube and Google+ if you all do make a motion to approve that I would ask that you put some sort of condition pending legal approval. There were some issues that got raised, brought to my attention at the end of last week that I haven't had a chance to explore. I need to get with Michael and Chip to talk about and, assuming that it passes any legal hurdles or anything like that, that we would go ahead and do that. But, certainly if you want Ms. Davis, you know if you want to make a motion to indicate that Finance Committee is making that recommendation to full Council, then have full Council act on that you can."

Committee Member C. Davis: "Ok, and I'll add to my motion, pending legal approval."

Chairman Schurlknight: "Ok, we have a motion, do we have a second?"

Committee Member Pinckney: "I second it."

Chairman Schurlknight: "Ok, we have a second. Do we have any questions or discussions?"

Council Member Callanan: "Yeah, I just have one question. Mr. Chairman?"

Chairman Schurlknight: "Yes, sir?"

Council Member Callanan: "The one question I have on this is that you said that you'd be able to get it up in 30... 3 days, 3 business days or something to that effect? Would it be more prudent, one of the things I'd love to be able to do is codify that in some sort of resolution so that you know, if something happens at a meeting there's never any implication that those videos are being held up you know, beyond that. But, I wanna, this is new for y'all so I want you guys to get the bugs out of the system. So, would you recommend that we hold up on that until we go through this a few cycles to determine what...."

Mr. Chip Boling: "And, I think that's kind of what we talked about last week as well. This, we're still trying to work all the bugs out. We think, we feel very comfortable with that 3 day time frame. But, you know, again it's a staff driven kind of deal and we want to make sure that we've got those kinds of things. All those bugs worked out, so we've got back up and everybody is comfortable to make sure that we've got everything covered. So, at this stage I think we might be premature into locking anything down until we're real comfortable with where we need to be."

Council Member Callanan: "And just one last question, which I thought of. When we upload that, it's uploaded at...what was it? 480p?"

Mr. Chip Boling: "That's correct."

Council Member Callanan: "A pretty decent quality video, right? Ok. Thank you."

Committee Member C. Davis: "Chip, didn't you also say that we could send out notification like....Now, some people receive via email notification of County Agendas."

Mr. Chip Boling: "Yes, Mam."

Committee Member C. Davis: "When this is ready that they could receive notification that the video is available."

Mr. Chip Boling: "Just pop a release out to our list serve just like we did before and when we load it up on, if we do the Facebook, it'll do the same thing. It'll notify anybody that's got Facebook that there's a new thing out; same thing with Google+ if

they're subscribed to that. So, there will be multiple ways that people will find out that it's there. But, I think most folks will recognize within a couple of days after every Council Meeting, it'll be available for them."

Committee Member C. Davis: "Ok. Do you want to go over the meeting board now?"

Mr. Chip Boling: "Yes, Mam. Michael, if you'll just scroll down. If everybody will notice, we haven't yet moved the icon around but on the website there's two locations..."

Committee Member C. Davis: "Hey Chip, excuse me one minute. We didn't vote."

Chairman Schurlknight: "One second, we didn't vote."

Committee Member C. Davis: "We've got a motion and Steve seconded but we didn't vote."

Committee Member Pinckney: "I did."

Chairman Schurlknight: "We have a motion and a second. Any other discussion? (No Response) Hearing none, all in favor? (Ayes). Opposed? (No Response). Motion carries. Thank you. Ok, Chip."

It was moved by Committee Member C. Davis and seconded by Committee Member Pinckney to **approve** the posting of the video on **Facebook** and **YouTube** pending legal approval. The motion passed by unanimous voice vote of the Committee.

Mr. Chip Boling: "I'm sorry."

Chairman Schurlknight: "That's ok."

Mr. Chip Boling: "The question was about the calendar of events on the website. Whenever anybody comes to our website, there are two ways to find out what's going on. First, if you'll look where it says *I Want To*, and down at the bottom where it says *See What's On*, we're probably gonna drop that calendar piece, that topic out, and drop it underneath *See What's On* so, that folks can go automatically to that as opposed to having it a drop down. We weren't able to get that done in the time frame that we had allotted. But, you'll also notice to the right, right below the library, there is a County Calendar icon. Go ahead and click on that if you will, Michael. Oh, I'm sorry. Alright, well you'll notice that's February. You can roll to March. Well, that's February there and then....and on, and it goes right on through the year as the Clerk of Council posts meeting notices. Everything shows up as to what's going on. If there are other meeting notices that get posted, they'll also be there for folks to see. To see what's going on. Now, one thing that we haven't yet figured out yet, because of the way it was structured when we

programmed the website is it doesn't go backwards. On February 1st, January falls off so, it's not a backwards compliant. You can't go back and find out what happened the month before or six months ago. We don't have that capacity and it's a substantial larger problem than we had, at least at first, acknowledged. So, it's gonna require some programming and in order for us to make that retro-active. In other words, be able to let folks go back to see what use to be. But, we can program right straight on out as far as, where they go for the rest of the year. So, you'll know at least what's coming not necessarily what happened. Is this what y'all were looking for?"

Council Member Callanan: "Yeah, Madam Chairman? I don't even know who's doing what here."

Chairman Schurlknight: "Councilman Callanan?"

Council Member Callanan: "Ok, the question that...the reason it was brought up at the Transparency Committee is that, this is existing. But, what we have is meetings that are not County Council or County Council Committee that are still required to be Publicly Noticed. Whether it's the Aeronautics Commission, Library Board, I guess the Mental Health Board, you name it. Those require some sort of Public Notice, and what I wanted to do is just simply use this whether we create some sort of resolution or not that requires those boards to submit a minimum of 24 hours in advance, any notices of meetings of those Boards to the Clerk of Council's Office so that this could be updated. So, this way, I think the minimum requirement is to simply tack a note on the door where the meetings going to be. You know this way, at any given time for any meeting that's legally required to be noticed, you'd know where to find out where it's going to be, when it's going to be a minimum of 24 hours in advance. That's why we brought this up."

County Attorney N. Ewing: "Mr. Callanan, I would just suggest that if Council does adopt that procedure that we require that Boards and Commissions give more than 24 hours notice because it may take a day or two for Council and the IT office to actually get it up on the webpage."

Council Member Callanan: "Ok."

County Attorney N. Ewing: "Just to give them a little bit more lead time on that."

Council Member Callanan: "Sure, I would agree with that. I just think the only reason I brought the 24 hours up is I think that's the same of the FOIA so, I would have no problem with that. But, I think it's something that we ought to consider doing since these Boards and Commissions actually have responsibilities in this County. But, there is no centralized location to find out when and where they meet."

Mr. Chip Boling: "And the contact for that would be the Clerk of Council."

Council Member Callanan: "Right."

Mr. Chip Boling: "Because she has access to put all this information up. IT doesn't enter the information for the calendar. We just provide the calendar for it."

Council Member Callanan: "Right."

Committee Member C. Davis: "So, you think 48 hours is doable?"

Mr. Chip Boling: "Mam?"

Committee Member C. Davis: "Do you think 48 hours is doable time frame?"

(Inaudible)

Committee Member C. Davis: "Ok. Mr. Chairman, I'd like to make a motion to approve that all Boards and Commission Meetings be posted on the County webpage within 24 hours of meeting time."

Chairman Schurlknight: "We have a...."

Committee Member C. Davis: "48 hours."

Chairman Schurlknight: "We have a motion, do we have a second?"

Committee Member S. Davis: "I'm going to give it a second just for some discussion."

Chairman Schurlknight: "Alright, a second; discussion?"

Committee Member S. Davis: "Yeah, It's been my impression....I used to be on a Board before I got on County Council. A lot of times these boards have designated times. Just like, so, it shouldn't be too complicated, I mean, they meet on a regular basis monthly. It's usually established, is what I'm trying to say. And since it's established, that'll help with the practicality application of it. I think I join in support of that also."

Council Member Callanan: "Mr. Chairman?"

Chairman Schurlknight: "Councilman Callanan?"

Council Member Callanan: "And just so I have this worded right, is it, it has to be posted 48 hours or it has to be received by the Clerk 48 hours?"

County Attorney N. Ewing: "Well, there's a couple of different requirements that were if, let's take the Aeronautics Commission for example. If they have a calendar of regularly scheduled meetings once a month, much like you all do, they actually have to do something at the beginning of the year to notify different organizations; the media for one. And then, in addition to that they would post their agenda 24 hours normally at the

place where the meeting is normally held, in this case it would be the airport. I'm not sure if the Clerk of Council also posts it here as well. But, to meet that requirement, yes, simply getting this up 24 hours ahead of time, this is in addition to what they would be required to do as well."

Council Member Callanan: "But, they're required to have the agenda as well, 24 hours in advance, is that correct?"

County Attorney N. Ewing: "If they have an agenda."

Council Member Callanan: "If they have an agenda."

County Attorney N. Ewing: "FOIA does not require an agenda but if they do have one, it needs to be posted."

Committee Member Pinckney: "Mr. Chairman, you through Mr. Callanan?"

Council Member Callanan: "Yes, thank you."

Chairman Schurlknight: "Mr. Pinckney?"

Committee Member Pinckney: "When we talk about having these Boards advertise, what...is that all Boards? And my question being is as I look in the audience we have Fire Board Meetings as well. Does that come under this category?"

County Attorney N. Ewing: "The individual Fire Boards I believe are not County Council Boards. Those are the individual Fire Departments, but we do have a Countywide Special Tax Fire Board that would be considered..."

Committee Member Pinckney: "Ok."

County Attorney N. Ewing: "But, there are Committees that Council appoints member too that...so, we may need to clarify which Committees and Commissions and Boards you're talking about. Are you talking about ones that have been created as a function of Council or one where we just have you know, an appointment membership."

Council Member Callanan: "Mr. Chairman?"

Chairman Schurlknight: "Mr. Callanan?"

Council Member Callanan: "My thought was that if they are legally required to notice a meeting and they are a Board that is created by the County Government, then those are the ones that..."

County Attorney N. Ewing: "Ok."

Council Member Callanan: "I mean if we just create some sort of, what's the Committee with the employees? Grievance Committee or something like that? That doesn't have to be noticed right?"

County Attorney N. Ewing: "Actually, I think it might be."

Council Member Callanan: "It might? Well, I'm just saying there may be some Inter-government Committees you know, they just call themselves Committees, that aren't required to be noticed."

County Attorney N. Ewing: "Right."

Council Member Callanan: "Anything that's legally required to be noticed, I don't care about those; anything that's legally required to be noticed. You know, that's what I was kind of thinking for here."

County Attorney N. Ewing: "And as a County created Board because like for example, the RTMA, is probably legally required to provide notice but that's not a...I don't believe that's a County organization."

Council Member Callanan: "But the things like the Special Tax Districts are."

County Attorney N. Ewing: "Exactly."

Council Member Callanan: "Right. Ok."

County Attorney N. Ewing: "I think I've got a better sense and I can work with Cathi on maybe getting a list together and presenting it to you. Maybe perhaps, either via email or at the next Council Meeting to make sure that we're covering all the groups that you want covered."

Committee Member Pinckney: "Ok."

Committee Member C. Davis: "Ok."

County Attorney N. Ewing: "But I just wanted to clarify to make sure that we weren't being too broad or too narrow. Oh, and one other, the 48 hour rule, someone in the audience mentioned to me that if you have a meeting on a Monday night, you could send out technically, they could notify Council on Friday night and meet the 48 hour requirement. So, we probably need to do a business day."

Chairman Schurlknight: "Nicole, let me ask you for clarification. Now, we're talking and also Ms. Davis, about putting it on the calendar on the website, correct?"

County Attorney N. Ewing: "Yes, sir."

Chairman Schurlknight: "The County Calendar, these meetings correct? And, I'm sure at the beginning of the year they send out a calendar to all the members to whatever Committee it might be listed those dates."

County Attorney N. Ewing: "It probably varies by Committee. We've got some Committees like the Aeronautics Commission that are very, for lack of a better term, professional and turn out agendas and things like that. And then, we've got some of these Special Tax District Committees that may not meet as regularly so, we're probably going to have a mixture. We're probably going to have to have the Clerk of Council on what they need to do and the information that she needs to get from them."

Chairman Schurlknight: "And for my line of thought, make it simplified for the Clerk. At the beginning of the year she can get those schedules if you will, or those meeting times and go ahead and put it on the calendars."

County Attorney N. Ewing: "That would be ideal."

Chairman Schurlknight: "Just go ahead and set everything up and if we have to maybe talked to one of the Commissions or others and say look this is one of the things we'll need at the beginning of the year. Give us a schedule of your meeting dates and times and then the Clerk can go ahead, Cathi does that? You need to speak up now because we're talking about what you and your people will be doing. Go ahead and plot it at that time and any kind of changes to it they can call you and get you something within 48 hours of a change. To schedule it and then you could do the correction on the calendar."

Ms. Catherine Windham: "Yes sir, that would be fine."

Chairman Schurlknight: "Maybe?"

County Attorney N. Ewing: "That would be my suggestion. I mean, the simplest thing too after they do that is when they send out, most of them send out notices via email to their members that they're having an upcoming meeting."

Chairman Schurlknight: "Right."

County Attorney N. Ewing: "And if they just start, you know, cc Cathi on that. She'd have that as well. So, I don't think it's going to be unduly burdensome on the Commissions and the Boards to comply with this."

Chairman Schurlknight: "I don't think, it's probably just some coordination. Get everybody on the same page. Good suggestion. Thank you, any other questions?"

Committee Member Call: "Mr. Chairman?"

Chairman Schurlknight: "Mr. Call?"

Committee Member Call: "A logistical question, say if Cathi were to learn late on the day of a meeting that they were not going to be able to gather a quorum. Would it be possible to, would she have enough time to post that on here that the meeting had been cancelled so the members of the Committee or the members of the public wouldn't show up here unnecessarily?"

Chairman Schurlknight: "I think that she would post it as soon as possible. You know, if was real late getting it on there, you know, I don't know if that's something we could get around. But, as soon as she gets notification, put it on the calendar."

Committee Member Call: "And could it be done the same day as the meeting? I guess is my question."

Chairman Schurlknight: "Yeah it could be if she gets notification."

Ms. Catherine Windham: "As soon as I got notice I could put it out there."

Chairman Schurlknight: "Right, exactly."

Ms. Catherine Windham: "(Inaudible) if I got notice."

Chairman Schurlknight: "Right. Everything is going to hinge on when she gets that notice and when she gets it via fax, email or whatever, she goes onto the calendar and go ahead and notate it on the calendar."

Committee Member Call: "And the reason I ask that question is, I was on the Planning Commission many years ago and a lot of people had to drive a long ways to get here only to find out there was not a quorum, no meeting and the members of those Committees don't get reimbursed for their mileage."

Chairman Schurlknight: "Right."

Committee Member Call: "That's a waste that we could cut out for them if we could let them know on the internet, that the meeting was not going to be held. Thank you, Mr. Chairman. That's the only comment that I had."

Chairman Schurlknight: "Thank you. Any other comments before the vote? (No Response). We have a motion and a second. All in favor? (Ayes). Opposed? (No Response). Motion carries."

It was moved by Council Member C. Davis and seconded by Council Member S. Davis to **approve** that all Boards and Commission Meetings be posted on the County webpage within 48 hours of meeting time. The motion passed by unanimous voice vote of the Committee.

Committee Member C. Davis: "Ok. Mr..."

Chairman Schurlknight: "Go ahead Cathy."

Committee Member C. Davis: "I got one more thing."

Chairman Schurlknight: "Yeah, please."

Committee Member C. Davis: "Ok. We also, there was discussion that at the beginning of each meeting, whether it be Committee Meeting or Council Meeting that the Clerk of Council would state for the record that : This Meeting Meets the Requirements of the South Carolina Freedom of Information Act. Just something that would go on the record that this meeting had been properly noticed."

Chairman Schurlknight: "We have a motion. Do we have a second for discussion?"

Committee Member Pinckney: "Second."

Chairman Schurlknight: "We have a second. I'd just like to make a comment about that one also. I think it's a good double check to make sure that we have that. I think it was another good suggestion on that part of it there. And I think what Ms. Davis is just saying is the Clerk will just confirm everything has been publicly and duly noted to the public. Am I right Ms. Davis?"

Committee Member C. Davis: "That's correct."

Chairman Schurlknight: "Any other?"

Council Member Callanan: "Mr. Chairman?"

Chairman Schurlknight: "Councilman Callanan?"

Councilman Callanan: "Just for the record. That is any meeting of Council. It has nothing to do with Planning Commission or anything like that. It's just a Council Committee Meeting or General Council Meeting or a Special Meeting, for that matter."

Chairman Schurlknight: "Any other questions? (No Response) Hearing none, all in favor?"

County Attorney N. Ewing: "Mr. Chairman, for clarification. Ms. Davis are you imagining something that would be added to the agenda so that the Chairman would remember to ask ...or? Just so that we know how to get it on the..."

Committee Member C. Davis: "Yes, to be added to the agenda."

Chairman Schurlknight: “Anything else? (No Response) Good, all in favor? (Ayes) Opposed? (No Response) Ayes have it. The motion carries.”

It was moved by Committee Member C. Davis and seconded by Committee Member Pinckney to **approve** that the Clerk of Council, at the beginning of each meeting, whether it be Committee Meeting or Council Meeting, would state for the record that: *This Meeting Meets the Requirements of the South Carolina Freedom of Information Act.* Also, that this statement be added to the agenda. The motion passed by unanimous voice vote of the Committee.

Chairman Schurlknight: “I just like to make a comment about the Transparency Committee. They were charged awhile back on looking at a number of issues of areas of Transparency and one was a searchable database showing salaries and expenditures. They’ve done a great job with that. Y’all witnessed some of the fruits of their labor tonight through the videos and getting all the ground work and laying a solid foundation for us to move forward on with Transparency. Things we can add too as we move along. I think they’ve done a tremendous job of laying that foundation for us and I’d like to take the opportunity now, you know, to thank Ms. Davis for all your hard work as Chair of the Committee and all the Members among the Committee. We had some staff Members, Councilman Fish was also on that, along with myself. Did a great job with that, with your efforts, recommendations, for improvement in Government Transparency and I just think that’s something we need to thrive for every chance we get and to build upon what this Sub-Committee has started for us. The Sub-Committee has completed all the, you know, objectives, which I had in mind and I’d like to, therefore, thank y’all for y’alls service and any future matters about Transparency can be forwarded to me for inclusion on the Finance Committee agenda. And I think we have the cameras here now and what better way to conduct a Transparency Meeting is right in front of the cameras and everything else this Committee has gotten for us. Again, I thank y’all for y’alls hard work and the fruits of y’alls labor.”

Committee Member C. Davis: “Thank you Mr. Chairman. I had a lot of help.”

ADJOURNMENT

Chairman Schurlknight: “I know you did. I was, I made it to the last meeting and I was very impressed with the professionalism, the suggestions that was coming out and you know, with time, I guess you kind of get narrow vision. And when you get good people in a room together, good ideas come out and that’s what I was witnessing the other day. And again, thank y’all very much; and I would entertain a motion to adjourn.”

Committee Member Pinckney: “So move.”

Committee Member C. Davis: “Second.”

Chairman Schurlknight: “We have a motion and a second. All in favor?(Ayes). Opposed? (No Response). We are adjourned. Thank you.”

It was moved by Committee Member Pinckney and seconded by Committee Member C. Davis to **adjourn** the meeting of the Committee on Finance. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 6:51 p.m.

February 27, 2012
Date Approved

FINANCE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Jack H. Schurlknight, District No. 6

Members: Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

Mr. Phillip Farley, District No. 1, ex officio
Mr. Timothy Callanan, District No. 2, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council will be held on **Monday, January 23, 2012, at 6:00 p.m.**, in the Assembly Room, following other scheduled meetings, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES: December 12, 2011

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversarial situations involving the assertion against the County of a claim.

- A. Kace Smith, Deputy Supervisor, Re:** General Obligation Bonds, Series 2009A for the St. Stephens Library and Magistrate Office.
- B. Consideration prior to First Reading of an ordinance** (1) authorizing the execution and delivery of fee in lieu of tax and incentive agreement (the "Incentive Agreement") by and between Berkeley County, South Carolina ("The County") and **MWV-Omni, LLC**, acting for itself, or one or more affiliates or other project sponsors, (The "Company"), in connection with the establishment of

certain facilities and/or the making of certain investments in the County (The "Project"); (2) authorizing the benefits of a multi-county industrial or business park to be made available to the Company and the Project; (3) approving and ratifying the assignment and transfer to the Company of the rights, interests, and obligations of Eastway Properties, LLC ("Eastway") and TC-MET OMNI PHASE I, LLC ("TC-MET") under (i) the fee in lieu of tax agreement by and between the County and Eastway dated as of June 9, 2008 and (ii) the partial assignment and assumption of fee in lieu of tax agreement by and between Eastway and TC-MET (Collectively, the existing FILOT Agreement); (3) authorizing termination of the existing FILOT Agreement upon execution and delivery of the incentive agreement; and (4) authorizing other matters relating thereto.

C. Consideration prior to Third Reading:

1. **Bill No. 11-19**, an **ordinance** authorizing (1) the execution and delivery of (a) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between Berkeley County, South Carolina (the "county") and **HLIT IV SC-1, L.P.** and **HLIT IV SC-2, L.P.** and (b) a Second Amended and Restated Fee-In-Lieu of Tax and Incentive Agreement by and between the county and **HW BERKELEY PHASE II-A, LLC**, **HW BERKELEY PHASE II-B, LLC** and **HW BERKELEY PHASE II-C, LLC**, in connection with investment in the county; and (2) other matters relating to the foregoing.

January 18, 2012
S/Catherine R. Windham
Interim Clerk to County Council

ADDENDUM #1

FINANCE

(Standing Committee of Berkeley County Council)

Chairman: Mr. Jack H. Schurlknight, District No. 6

Members: Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

Mr. Phillip Farley, District No. 1, ex officio
Mr. Timothy Callanan, District No. 2, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON FINANCE**, Standing Committee of Berkeley County Council will be held on **Monday, January 23, 2012, at 6:00 p.m.**, in the Assembly Room, following other scheduled meetings, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

ADD:

D. Mrs. Cathy S. Davis, Council District No. 4, Re: Transparency Committee Report.

January 20, 2012
S/Catherine R. Windham
Interim Clerk of County Council